

DISCUSSION OF THE AMENDMENT

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the parent application of the present application, i.e., US 2004/0063366, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

Claim 1 has been amended by inserting that the acryl-urethane composite elastomeric polymer is crosslinked and a Markush group therefor, as supported in the specification at paragraph [0094].

No new matter is believed to have been added by the above amendment. Claims 1, 4, 6-12 and 17-24 remain active in the application; Claims 13-15 stand withdrawn from consideration, but are subject to rejoinder.

REMARKS

The rejections under 35 U.S.C. § 103(a) of:

Claims 1, 2, 4, 6-8 and 17-24 as unpatentable over SU 4453003A (Zaveleva et al) in view of US 6,299,977 (Takeyama et al), JP 09-59881 (Ashida et al), and US 4,914,764 (Mast et al), and

Claims 9-12 as unpatentable over Zaveleva et al in view of Takeyama et al, Ashida et al, and Mast et al, and further in view of US 4,525,169 (Higuchi et al),
are respectfully traversed.

While the Office Action indicates that the Examiner relied on an English translation of Zaveleva et al and that a full translation would be provided in the next Office Action, Applicants' counsel gratefully acknowledges receipt of such a full translation from the Examiner. Discussion of Zaveleva et al below is based on the full translation, not the English abstract thereof supplied with the Office Action, in order to advance prosecution.

As recently as the Final Office Action dated December 26, 2008, the Examiner rejected then-pending claims over the above-applied prior art except Zaveleva et al, but withdrew the rejections in view of the pending claims prior to the above-discussed amendment. As now discussed, Zaveleva et al discloses and suggests nothing that remedies the deficiencies of the other-applied prior art.

Zaveleva et al discloses an aqueous acryl-urethane polymer emulsion as a film forming agent for finishing leather. Particularly, the inventive aqueous acryl-urethane polymer emulsion is disclosed as an improvement over previous aqueous acrylic copolymer dispersions obtained by copolymerizing (meth)acrylic acid esters with vinyl monomers, which prior aqueous dispersions were not sufficiently heat resistant or sufficiently resistant to abrasion. Zaveleva et al's acryl-urethane component is obtained by reacting a monomethacrylate of ethylene glycol with, as urethane group-containing monomers, 2,4-

toluene diisocyanate, hexamethylene diisocyanate or “polyisocyanate.” Then the acryl-urethane component is reacted with, for example, ethyl acrylate to form the inventive acryl-urethane emulsion.

Zaveleva et al’s acryl-urethane emulsion is different from presently-recited elastomeric polymer A, since it neither suggests the recited polyurethane nor the recited acryl-polyurethane composite elastomeric polymer of Claim 1. The recited polyurethane requires the presence, in addition to a diisocyanate component, a polymeric polyol component, a chain extender, a carboxyl group-containing diol, and a crosslinking agent. The recited acryl-polyurethane composite elastomeric polymer is recited as obtained by an emulsion polymerization of an ethylenically unsaturated monomer comprising a (meth)acrylic acid derivative in the presence of an aqueous dispersion of a urethane resin **and is crosslinked by copolymerizing a polyfunctional ethylenically unsaturated monomer selected from the group consisting of 1,6-hexanediol di(meth)acrylate, 1,9-nonanediol di(meth)acrylate, neopentyl glycol di(meth)acrylate, divinylbenzene and allyl (meth)acrylate** (emphasis added).

Applicants continue to rely on arguments for patentability in previous responses, particularly the amendment filed March 25, 2009, which arguments are hereby incorporated by reference. The above amendment is the last amendment filed in which claims were rejected over prior art,

The Examiner stated at page 4 of the Office Action mailed December 26, 2008: “If Applicant has used a more specific combination of reactants than what is currently claimed that may help to distinguish the claimed invention from that of the applied art.”

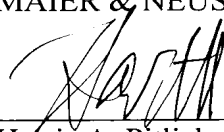
In that regard, the above-amended claims now require that all possibilities for elastomeric polymer A be crosslinked.

For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

All of the presently active claims in this application are now believed to be in immediate condition for allowance. The Examiner is respectfully requested to rejoin the non-elected method claims, and in the absence of further grounds of rejection, pass this application to issue with all pending claims.

Respectfully submitted,

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